

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

ROD BLAGOJEVICH,
Defendant.

Case No. 08 CR 888

Chicago, Illinois
May 17, 2011
1:49 p.m.

VOLUME 16 PM
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES B. ZAGEL
AND A JURY

APPEARANCES:

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1 (Proceedings heard in open court:)

2 MR. NIEWOEHNER: Your Honor, Chris Niewoehner, Reid
3 Schar and Carrie Hamilton for the United States.

4 Your Honor, there's one matter -- there's a number of
5 matters that could come up with Mr. Monk's cross-examination.
6 Those can probably all wait unless your Honor wants to take
7 them up now.

8 There is one matter on the direct which goes to John
9 Johnston's history of contributions to the defendant. The
10 government's going to make the same sort of motion to exclude
11 Johnston's history of contributions, just like Magoon and
12 Krozel's, but there's one exception to that which we want to
13 address with your Honor now to make sure we're not running
14 afoul of the ruling, which would be this: There's a -- in one
15 of the -- in the conversation, there's a recorded conversation
16 between the defendant and Monk about Johnston, and in that
17 conversation, the defendant says along the lines of it's been
18 a year since Johnston's made a contribution.

19 Since that's in the flow of the conversation, we
20 would -- we would elicit Monk's understanding of what that
21 meant, but other than the fact that there hadn't been a
22 contribution for a year, we don't think there's, for the same
23 reason on the other individuals, there's any relevance to
24 Johnston's history and contributions.

25 MR. SOROSKY: If I could ask a question, I would

1 assume Monk's understanding is there hasn't been a
2 contribution for a year.

3 MR. NIEWOEHNER: Yes, that's right, that's what Monk
4 understands.

5 THE COURT: You can do that, and then we can see
6 whether it opens the door, but we're going to do another offer
7 of proof. And the reason we're doing an offer of proof with,
8 as we've done with two already, is they have different views,
9 and I cannot assume that we'll have the same result with an
10 offer of proof, so you'll do that at the appropriate time.

11 MR. SOROSKY: The only thing I would say that may be
12 a little different here with Mr. Johnston is I don't think
13 there's any dispute that Mr. Johnston, or the race track
14 industry, however you want to categorize it, had been a
15 substantial supporter of Rod Blagojevich in contributions. I
16 don't think that's in dispute.

17 THE COURT: Actually, that's what I inferred, from
18 what the prosecutor just said.

19 MR. SOROSKY: Right.

20 MR. NIEWOEHNER: We're not disputing the fact, but
21 the relevance of that prior history is what's at issue.

22 THE COURT: That's why we have to listen to the offer
23 of proof. Okay?

24 MR. NIEWOEHNER: Thank you, your Honor.

25 MR. SCHAR: Thank you, Judge.

1 MR. SOROSKY: Now, do you want to do a voir dire of
2 both Monk and Johnston or just Johnston?

3 THE COURT: I don't think we really need Monk on this
4 issue, but if you want to do -- as a matter of fact, if you
5 want to do an offer of proof on anything with respect to Monk,
6 that's fine.

7 MR. NIEWOEHNER: And, obviously, I presume the
8 defense is not going to ask Monk questions that they could not
9 ask Krozel or could not ask Magoon or could not ask Johnston,
10 so in terms of their personal wealth or their contribution
11 history, anything along those lines should be done in an offer
12 of proof as opposed to direct questions.

13 THE COURT: Right.

14 MR. SOROSKY: Now, just so we're clear also, the
15 Court's prior ruling concerning prior contributions is not any
16 limitation on the specific contribution in 2008, which is the
17 subject of the case. I mean --

18 MR. NIEWOEHNER: No, we're not trying to suggest that
19 the attempt to get a contribution in the fall and winter
20 of 2008 is out of bounds.

21 MR. SOROSKY: Okay. So any questions on that topic.

22 THE COURT: Well.

23 MR. SOROSKY: Thank you.

24 THE COURT: The witness on the stand.

25 (Jury enters courtroom.)

1 THE COURT: Please be seated.

2 You may resume.

3 MR. NIEWOEHNER: Thank you, your Honor.

4 ALONZO MONK, GOVERNMENT'S WITNESS, PREVIOUSLY SWORN,
5 DIRECT EXAMINATION (RESUMED)

6 BY MR. NIEWOEHNER:

7 Q. Mr. Monk, right before we broke, you had been testifying
8 about some meetings you had with defendant, Rezko and Kelly
9 where you discussed making money. Do you recall that?

10 A. Yes.

11 Q. Now, when you were the Chief of Staff, were you
12 interviewed by the FBI?

13 A. Yes.

14 Q. About when did that take place?

15 A. In the summer of 2005.

16 Q. And did you learn that Rezko was actually being
17 investigated prior to your interview with the FBI?

18 A. Yeah.

19 Q. About when did you actually learn that?

20 A. Like the summer of '04, 2004.

21 Q. But your own interview was in the summer of 2005?

22 A. Correct.

23 Q. During that interview with the FBI, were you asked about
24 Rezko and Kelly's involvement in state government?

25 A. Yes.

1 Q. In that interview, did you admit that you had planned to
2 make money or discussed those ideas through state actions with
3 Rezko, Kelly and the defendant?

4 A. No.

5 Q. Did you admit that you helped the defendant receive
6 campaign contributions in exchange for state action along with
7 Rezko and Kelly?

8 A. No.

9 Q. When the FBI asked questions about those topic matters,
10 what did you do?

11 A. Lie.

12 Q. And after the summer of 2005, when was the next time you
13 spoke with the government?

14 A. I think it was early '09.

15 Q. So when was the first time you told the FBI about any of
16 that information about your meetings with Rezko, Kelly and the
17 defendant or those campaign contributions?

18 A. In February of '09.

19 Q. In your interview with the FBI in 2005, did you admit to
20 the FBI that Rezko had been giving you cash?

21 A. No.

22 Q. Prior to the interview with the FBI, had Rezko been giving
23 you cash?

24 A. Yes.

25 Q. Did he give you cash on more than one occasion?

1 A. Yes.

2 Q. How much cash did Rezko typically give you?

3 A. \$10,000.

4 Q. What were the circumstances that led to Rezko first giving
5 you cash?

6 A. I had gone to him and asked him to recommend a car
7 dealership where I could go buy a particular car that I was
8 interested in, and he gave me that recommendation and at that
9 time told me that he wanted to help me buy the car.

10 Q. Did that lead to Rezko giving you some cash for the car?

11 A. Yes.

12 Q. About when did you buy the car?

13 A. In May of 2004.

14 Q. Who first brought up the idea that Rezko would give you
15 cash for the car?

16 A. He did.

17 Q. Did you understand that you had to give the money back?

18 A. No.

19 Q. About how much cash did Rezko provide to you overall?

20 A. Like 70 to \$90,000.

21 Q. And about when did Rezko stop giving you cash?

22 A. Sometime in 2005.

23 Q. Did you put the cash that Rezko gave you into the bank?

24 A. No.

25 Q. Why not?

1 A. Because if anybody looked at my bank records, I didn't
2 want them to see large amounts of cash being deposited into my
3 account.

4 Q. What did you do with the cash?

5 A. Spent it on day-to-day expenses, clothing, meals, that
6 type of thing.

7 Q. During the time period you were getting cash from Rezko,
8 did you need to withdraw cash from the bank?

9 A. No.

10 Q. Did you have to use an ATM machine?

11 A. No.

12 Q. Did that concern you?

13 A. Yes.

14 Q. Why?

15 A. Because, again, if anybody looked at my bank records, they
16 would see that prior to May of 2004, I was taking out cash
17 from my account on a regular basis, and then all of a sudden
18 for, you know, approximately a year period, I wasn't taking
19 out cash at all.

20 Q. Did you ever tell the defendant you were taking cash from
21 Rezko?

22 A. No.

23 Q. Why not?

24 A. Because he wouldn't have approved of the method of getting
25 that money. It could have led to an investigation of me and

1 potentially of him.

2 Q. You earlier described meetings where Rezko, Kelly, you and
3 the defendant talked about making money together.

4 Were you concerned that the defendant wouldn't have
5 approved about your getting money from Rezko at all?

6 A. No.

7 Q. What was your concern?

8 A. The method in which I was getting the money could have led
9 to an investigation of me and potentially him.

10 Q. At some point, did Rezko get indicted?

11 A. Yes.

12 Q. About when did that take place?

13 A. I think it was September or October, maybe November
14 of 2006, right before the general election.

15 Q. Did Rezko continue to raise money for the defendant after
16 he was indicted?

17 A. No.

18 Q. Did you continue to talk with Rezko after he was indicted?

19 A. No.

20 Q. When the defendant ran for reelection in 2006, did you
21 have a role in that campaign?

22 A. Yes.

23 Q. What was your role?

24 A. I was the campaign manager.

25 Q. Did you perform a similar function in 2006 that you did in

1 2002?

2 A. Yes.

3 Q. About when did you become the campaign manager?

4 A. In December of '05 or January of '06.

5 Q. Did you continue working as Chief of Staff when you became
6 the campaign manager?

7 A. No.

8 Q. When did you stop being the Chief of Staff?

9 A. The middle of December of '05.

10 Q. Who replaced you as Chief of Staff?

11 A. John Harris.

12 Q. Who was in charge of fundraising for the defendant during
13 the 2006 campaign?

14 A. Chris Kelly.

15 Q. In the 2006 campaign, was there a more important
16 fundraiser for the defendant than Kelly?

17 A. No.

18 Q. What did you do after the November 2006 election?

19 A. I started my own company.

20 Q. What did the company do?

21 A. It was a -- I was a lobbyist and political consultant in
22 Illinois.

23 Q. Did you see the defendant as frequently once you began
24 working as a lobbyist?

25 A. No.

1 Q. Did you do any fundraising for the defendant after you
2 became a lobbyist?

3 A. Yes.

4 Q. What did you do in that regard?

5 A. I went to various individuals and companies and clients of
6 mine to try and raise funds for his campaign.

7 Q. Did Chris Kelly get indicted at some point in 2007?

8 A. Yes.

9 Q. What kind of crimes was he charged with?

10 A. He had some tax problems. I don't know specifically.

11 Q. At some point, did Kelly stop fundraising for the
12 defendant?

13 A. Yes.

14 Q. And about when did Kelly stop fundraising for the
15 defendant?

16 A. In early to mid 2008, but he had slowed down considerably
17 before that.

18 Q. After Kelly reduced his involvement in fundraising, did
19 the defendant become more active in fundraising?

20 A. Yes.

21 Q. Did you hear the defendant discuss Kelly's indictment in
22 the context of fundraising?

23 A. Yes.

24 Q. About when did you hear the defendant do that?

25 A. It was either in late spring or early summer of 2008, we

1 had a meeting at the campaign office where Rod was there and
2 his brother and I was there and a number of other lobbyists
3 and consultants who had fundraised for him in the past all got
4 together, and he explained that he was going to get more
5 involved in fundraising, attend meetings, because Chris was no
6 longer going to be able to serve that role.

7 Q. I'm going to direct your attention now to the summer and
8 fall of 2008.

9 In that timeframe, did you meet with the defendant at
10 his campaign office?

11 A. Yes.

12 Q. Typically for what purpose?

13 A. To discuss fundraising.

14 Q. Who would typically attend those meetings?

15 A. Me and Rod and his brother Robert.

16 Q. Why was Robert Blagojevich there?

17 A. He had been hired by the campaign to head up fundraising
18 and manage the office.

19 Q. What typically took place during those meetings?

20 A. We'd go through lists of donors and potential donors and
21 find out the status of trying to get campaign contributions
22 from them and the amounts that were involved.

23 Q. Who would lead those discussions?

24 A. Typically, it was either Rod or Robert.

25 Q. And in the course of those meetings, did the defendant

1 express any concerns about the status of his fundraising in
2 the fall of 2008?

3 A. Yeah.

4 Q. More than once?

5 A. Yes.

6 Q. And generally speaking, what did the defendant say?

7 A. That we needed to maximize our fundraising by the end of
8 the year. He was consistently concerned about the amount of
9 fundraising that was going on. It was -- you know, it was
10 never enough.

11 Q. Now, are you familiar with the Illinois Tollway?

12 A. Yes.

13 Q. In the summer of 2008, did you talk with the defendant
14 about any road building programs at the Illinois Tollway?

15 A. Yes.

16 Q. Did you have more than one conversation on that topic?

17 A. Yes.

18 Q. Do you recall those generally or specifically?

19 A. Generally.

20 Q. What potential road building programs did you discuss with
21 the defendant?

22 A. There were two of them, both involving expansion of the
23 tollway. One of them was for \$1.8 billion, and one of them
24 was for \$5 billion.

25 Q. From what the defendant said to you, who had the power to

1 decide whether the tollway was going to go forward with those
2 two programs?

3 A. He did.

4 Q. Did the defendant have power to do both programs?

5 A. Yes.

6 Q. Did the defendant indicate whether the Illinois
7 legislature needed to approve either of those two programs?

8 A. Yeah, he indicated that he did not need legislative
9 approval to do them.

10 Q. From what the defendant said, was it significant to him
11 that he could do both tollway programs without the
12 legislature?

13 A. Yes.

14 Q. What did he indicate?

15 A. That it would have been difficult to pass a bill that
16 would have approved these two programs because he and the
17 legislature weren't getting along.

18 Q. Are you familiar with the term "capital bill"?

19 A. Yes.

20 Q. What's a capital bill?

21 A. It's a -- it's a bill that involved the state raising
22 money to or borrowing money to build roads and bridges. It
23 was an infrastructure bill to try and create jobs and increase
24 the infrastructure in Illinois.

25 Q. Did you talk with the defendant in the fall of 2008 about

1 a capital bill?

2 A. Yes.

3 Q. In that timeframe, had the defendant been successful in
4 getting a capital bill passed?

5 A. No.

6 Q. Did the defendant talk to you in the fall of 2008 about
7 why not?

8 A. Yeah, he -- he didn't think that there was a likelihood
9 that it would pass because of his problems with the
10 legislature. It's one of the reasons why the tollway program
11 was being developed.

12 Q. Did the defendant indicate to you that he thought he could
13 get a capital bill passed in 2008?

14 A. No.

15 Q. I'm going to direct your attention to September and
16 October of 2008.

17 In that timeframe, do you recall a particular
18 conversation you had with the defendant about the two
19 different tollway programs?

20 A. Yes.

21 Q. Where was this conversation?

22 A. In the campaign office.

23 Q. Was anyone else present?

24 A. No, it was just he and I.

25 Q. In that conversation, what did the defendant indicate he

1 planned to do with respect to these two different tollway
2 programs?

3 A. He was going to announce the \$1.8 billion program very
4 soon, and he was going to wait until after the first of the
5 year to announce the \$5 billion program.

6 Q. When he said he was going to announce the \$1.8 billion
7 program, how did you understand he was going to announce it?

8 A. Through some sort of press event, press conference.

9 Q. When you had worked with the defendant as his Chief of
10 Staff, had you discussed with the defendant whether to have a
11 public -- a press conference or a public announcement about a
12 particular government decision?

13 MR. SOROSKY: Objection to what occurred on prior
14 occasions.

15 THE COURT: Overruled.

16 BY THE WITNESS:

17 A. From time to time.

18 BY MR. NIEWOEHNER:

19 Q. And on those prior occasions, had the defendant discussed
20 the advantages of doing a press conference in the context of a
21 decision?

22 A. Yes.

23 Q. What did the defendant indicate?

24 A. That it would, you know, typically garner good publicity
25 for him and for the program that was being announced.

1 Q. From what the defendant said, was getting good publicity
2 important to the defendant?

3 A. Yes.

4 Q. From what the defendant said, what was the effect on the
5 defendant once he made a public announcement about a
6 particular government decision?

7 A. He was committed to going forward with it.

8 Q. If the defendant wasn't certain he wanted to make a
9 particular decision, did he make a public announcement about
10 it?

11 A. No.

12 Q. Did he explain why not?

13 A. Yeah, he -- it's one of the things where if you made the
14 public announcement, then you were committed to doing it; and
15 if he was uncertain he wanted to go forward with a particular
16 program or plan, then he wouldn't announce it.

17 Q. Did the defendant indicate why he wouldn't announce it if
18 he wasn't certain he wanted to do it?

19 A. That he wasn't committed to doing it.

20 MR. SOROSKY: Objection, your Honor.

21 THE COURT: Overruled.

22 BY THE WITNESS:

23 A. If he didn't make the announcement for a particular
24 program or plan, then he wasn't committed to going forward
25 with it.

1 BY MR. NIEWOEHNER:

2 Q. What was the problem the defendant indicated would exist
3 if he did make an announcement about a plan he didn't want to
4 do?

5 A. That if he ultimately decided he didn't want to go forward
6 with it after announcing he did, he'd look bad. He'd look
7 like he was flip flopping on decisions and was being
8 indecisive.

9 Q. So based on your prior experience with the defendant, if
10 he made a public announcement on the \$1.8 billion program, was
11 he committed to doing it?

12 A. Yes.

13 Q. I'm going to go back to your meeting with the defendant in
14 September and October.

15 Did the defendant discuss his plans with respect to
16 the \$5 billion program?

17 A. Yes. He was going to wait until after the first of the
18 year to announce that program.

19 Q. Were there companies that you expected were going to
20 benefit from the tollway building program?

21 A. Yes.

22 Q. Did you have any fundraising relationships with those
23 companies?

24 A. Yeah.

25 Q. What kind of companies were they?

1 A. Engineering companies, construction companies that would
2 be involved in the construction of the tollway.

3 Q. Did the defendant say anything about fundraising in this
4 meeting where he was talking about the two different tollway
5 programs?

6 A. Yeah.

7 Q. What did the defendant say?

8 A. He said that -- he said that these programs were really
9 going to benefit engineering companies, construction companies
10 and companies that would be involved in that and that we
11 needed to really put a lot of pressure on those companies
12 between the time the meeting was taking place and the end of
13 the year to try and raise as much money as we could from them.

14 Also in play there was that, in all likelihood, many
15 of those companies weren't going to be able to donate to them
16 after the first of the year because of an ethics bill that had
17 been passed.

18 Q. Did the defendant want you to do anything with respect to
19 fundraising?

20 A. Yeah, he wanted me to be, you know, very aggressive and go
21 out there and, you know, tell people about this -- these
22 tollway programs in order to fundraise.

23 Q. Did he say anything about what he would do if these firms
24 didn't contribute money?

25 A. Yeah, his feeling was that these tollway programs were

1 going to be of real benefit to the engineering company, at one
2 point said, you know, "If they don't step up by the end of the
3 year, fuck 'em, I'm not going to do the \$5 billion program."

4 Q. What did you understand the defendant to mean when he
5 said, "If they don't step up, F 'em, I won't do the public
6 program"?

7 A. That, you know, unless they gave him campaign
8 contributions, he was not going to take -- he wasn't going to
9 go forward with the \$5 billion program.

10 Q. Are you familiar with a man named Gerald Krozel?

11 A. Yes.

12 Q. In the summer of 2008, did you have a fundraising role
13 with respect to Krozel?

14 A. Yes.

15 Q. How well did you know Krozel at that point?

16 A. Not that well. I think we'd met in the 2002 campaign, and
17 our paths had crossed a number of times at events and that
18 type of thing; but, you know, we knew each other, but we
19 weren't that close.

20 Q. Let me direct your attention to September of 2008.

21 Did you have a meeting with Krozel at that point?

22 A. Yes.

23 Q. Where was that meeting?

24 A. Campaign office.

25 Q. Who was present for that meeting?

1 A. It was Jerry Krozel, me, Rod and Rod's brother Robert.

2 Q. Did you discuss this meeting with the defendant before it
3 took place?

4 A. Yes.

5 Q. What was the purpose of the meeting?

6 A. To ask Jerry Krozel for campaign contributions. It was a
7 fundraising meeting.

8 Q. Why were you going to be present at the meeting?

9 A. Because I was at that point the point person in dealing
10 with Jerry Krozel in trying to garner campaign contributions,
11 and any follow-up that was going to happen as a result of that
12 meeting I was going to do.

13 Q. Did the defendant discuss the two tollway programs in that
14 meeting?

15 A. Yes.

16 Q. What did he say about the two tollway programs?

17 A. That there were two programs, one, the \$1.8 billion
18 program he was going to announce shortly and that he was going
19 to wait until after the first of the year to announce the
20 \$5 billion program.

21 Q. Did the defendant discuss his power to go forward with the
22 two tollway programs?

23 A. Yeah, he told -- he told Jerry that he did not need
24 legislative approval to go forward with these two programs,
25 which was important because he was trying to get a capital

1 bill passed and didn't think he could because he couldn't get
2 the legislature to pass a capital bill.

3 Q. Did the defendant say anything about why he wasn't going
4 to announce the \$5 billion program until after the beginning
5 of the next year?

6 A. Yeah, he told -- he told Jerry that he didn't want to
7 announce the \$5 billion program until after the first of the
8 year because he wanted to keep pressure on the legislature to
9 try and get a capital bill passed, and that if the \$5 billion
10 program was announced with the \$1.8 billion program, then the
11 legislature would feel less compelled to pass a capital bill.

12 Q. Now, a few minutes ago, you discussed earlier
13 conversations you had with the defendant about the capital
14 bill. Do you recall that?

15 A. Yes.

16 Q. In those earlier conversations about the capital bill with
17 just you and the defendant, did he indicate that he thought
18 the capital bill was going to be passed in 2008?

19 A. No.

20 Q. What was Krozel's response to the discussion about the two
21 different tollway programs?

22 A. He was upbeat, excited about it.

23 Q. Did Krozel say anything about the state of the road
24 building industry?

25 A. Yes. He said because of the economy, his industry was

1 really suffering. In fact, he used as an example some company
2 in Dixon, Illinois, that had gone out -- recently gone out of
3 business and that, you know, his industry was fairly depressed
4 right then.

5 Q. Did the defendant discuss fundraising at some point in the
6 meeting?

7 A. Yes.

8 Q. What did the defendant say in that regard?

9 A. He asked Jerry, he said, you know, we're putting on a big
10 push by the end of the year. We need to try and raise as much
11 money as we can before the end of the year, and he asked Jerry
12 to help out.

13 Q. Did he talk about the ethics legislation at some point?

14 A. He did.

15 Q. What did he indicate about that?

16 A. That it was important for his membership to step up before
17 the end of the year because in all likelihood after the first
18 of the year, many of his members weren't going to be able to
19 donate money to him because they were doing business with the
20 state.

21 Q. Did Krozel leave the campaign office at some point?

22 A. Yes.

23 Q. What did the defendant say to you after Krozel left?

24 A. That we should be able to raise at least a half-a-million
25 dollars from Jerry.

1 Q. Who did you understand the defendant wanted to raise the
2 \$500,000 from?

3 A. From Jerry and the people he would raise it from.

4 Q. And what industry was that?

5 A. The road building -- road builders industry.

6 Q. And at the meeting, who did the defendant indicate had the
7 sole power to do the \$5 billion program?

8 A. He -- him, Rod.

9 Q. From what the defendant said at the meeting, when did you
10 understand the defendant was going to publicly commit to doing
11 the \$5 billion program?

12 A. After the the first of the year.

13 Q. From what the defendant said at the meeting, when did you
14 understand he wanted Krozel to raise money?

15 A. Before the end of the year.

16 Q. From what the defendant said at the meeting, what did you
17 understand he wanted?

18 A. That he wanted Jerry Krozel to raise money in exchange for
19 him announcing that \$5 billion program.

20 MR. SOROSKY: Objection, Judge.

21 THE COURT: Overruled.

22 BY MR. NIEWOEHNER:

23 Q. I'm going to direct your attention to the timeframe of
24 September 2008 through December 9th, 2008.

25 In that timeframe, did you meet or speak with Krozel?

1 A. Yes.

2 Q. More than once?

3 A. Yes.

4 Q. What was the primary reason you spoke with Krozel in that
5 timeframe?

6 A. Fundraising.

7 Q. Were you following the defendant's direction to get Krozel
8 to raise funds?

9 A. Yes.

10 Q. Did you discuss Krozel's efforts to raise money in those
11 conversations?

12 A. Yes.

13 Q. What did you generally say in those conversations?

14 A. I was encouraging him to be as aggressive as he could,
15 find out what the status was on him raising money.

16 Q. Did Krozel ever tell you he wasn't going to raise any
17 money?

18 A. No.

19 Q. Based on your conversations with Krozel, did you expect he
20 would arrange for some kind of contribution?

21 A. Yes.

22 Q. Did you have further conversations with the defendant
23 about the status of your efforts to get Krozel to raise money?

24 A. Yes.

25 Q. And did you do that more than once?

1 A. Yes.

2 Q. Did the defendant express interest in your efforts to get
3 Krozel to raise money?

4 A. Yes.

5 Q. Generally speaking, what did you tell the defendant about
6 the status of your efforts to get -- of your meetings with
7 Krozel?

8 A. Well, given the status report based on my conversations
9 with Jerry and kind of the frustration that Jerry was
10 struggling with with the economy and raising money but that he
11 was trying to do it.

12 Q. Did you ever tell the defendant that Krozel was not going
13 to raise any money?

14 A. No.

15 Q. I'm going to turn your attention now to a man named John
16 Johnston. Are you familiar with him?

17 A. Yes.

18 Q. Who is John Johnston?

19 A. He and his family owned two racetracks in Illinois.

20 Q. About when did you begin -- did you do any work for
21 Johnston?

22 A. Yes, he was a client of mine.

23 Q. What kind of work did you do for him?

24 A. Political lobbying and consulting.

25 Q. Were you paid for it?

1 A. Yes.

2 Q. How much were you paid?

3 A. \$12,500 a month.

4 Q. Now, you earlier described fundraising meetings that took
5 place at the campaign offices with the defendant. Do you
6 recall that?

7 A. Yes.

8 Q. You said you went through lists of potential contributors?

9 A. Yes.

10 Q. I'm going to direct your attention to the fall of 2008.

11 In that timeframe, did you talk to the defendant about raising
12 funds from Johnston?

13 A. Yes.

14 Q. Did you do that more than once?

15 A. Yes.

16 MR. NIEWOEHNER: Your Honor, may I approach?

17 THE COURT: You may.

18 MR. NIEWOEHNER: I'm going to show you what's been
19 marked as Government Exhibit F.O.B. 1.

20 Your Honor, that exhibit was previously admitted.

21 May I publish it to the jury?

22 THE COURT: You may.

23 BY MR. NIEWOEHNER:

24 Q. Mr. Monk, what is Government Exhibit F.O.B. 1?

25 A. It's a list of potential donors and -- donors to the

1 campaign along with some information with respect to each one
2 of the donors.

3 Q. And is this typical of the fundraising lists you would go
4 through at your meeting?

5 A. Yes.

6 Q. In fact, did you go -- did you attend a fundraising
7 meeting where you went through this particular fundraising
8 list?

9 A. Yes.

10 Q. And if you look at the very top of the screen, there's a
11 date on the header. Do you see that?

12 A. Yes.

13 Q. And what is the date of that draft?

14 A. October 6th, 2008.

15 Q. In your experience, did you typically meet around the date
16 that was on these drafts?

17 A. Yes.

18 Q. But not necessarily on the date?

19 A. Correct.

20 Q. I'd like you to turn to the second page of the exhibit,
21 and there's some -- there's rows on the exhibit, is that
22 right?

23 A. Yes.

24 Q. If you could focus in about the top third, there's a name
25 John Johnston. Do you see that?

1 A. Yes.

2 Q. And what does -- what is reflected on the columns across
3 the line from John Johnston?

4 A. It shows the event or the timeframe when the event's going
5 to take place or when the donation would come in. It shows
6 the -- how much may have been collected. It shows the low
7 goal and the high goal for John Johnston, phone number, and
8 notes, and it just says Lon and RRB.

9 Q. And in terms of the amount of money, what does the hundred
10 thousand dollars represent?

11 A. The amount of money that we thought we were going to get
12 from John Johnston.

13 Q. Who decided that the target for Johnston was going to be a
14 hundred thousand dollars?

15 A. Rod.

16 Q. And on the far right column, there's a note, Lon and RRB.
17 Do you see that?

18 A. Right.

19 Q. What did that indicate?

20 A. That he -- he and/or I were going to follow up with John
21 Johnston to try and collect the \$100,000.

22 Q. Now, I'm going to direct your attention to the fall
23 of 2008. Was there any particular issues that you were
24 working on with Johnston at that point?

25 A. Yes.

1 Q. What was that?

2 A. It was a racing bill in the Illinois state legislature.

3 Q. What did that racing bill do?

4 A. It caused the casinos in Illinois to provide a subsidy, a
5 percentage of their revenue, to the racing industry, the
6 racetracks, the horsemen, the doctors and other entities
7 within the racetrack industry.

8 Q. Had there been a similar law that had passed in 2006?

9 A. Yes.

10 Q. And in the course of being campaign manager and Chief of
11 Staff of the defendant, had you become familiar with his
12 positions on various issues?

13 A. Yes.

14 Q. What was the defendant's position with respect to the
15 Illinois horse racing industry?

16 A. He was supportive of it.

17 MR. NIEWOEHNER: Your Honor, I'm going to show -- the
18 government's going to move to admit Government Exhibit
19 Racetrack 2 pursuant to the 902(11) certificate.

20 THE COURT: You may do so.

21 BY MR. NIEWOEHNER:

22 Q. What is Government Exhibit Racetrack 2, Mr. Monk?

23 A. It's a legislative history of the status of the particular
24 bill in May of 2006.

25 Q. That's in reference to the 2006 law you're talking about?

1 A. Correct.

2 MR. NIEWOEHNER: Your Honor, may we publish?

3 THE COURT: You may.

4 BY MR. NIEWOEHNER:

5 Q. I'm going to direct your attention to the last page of the
6 exhibit and focus your attention on the last four or five
7 lines of the exhibit.

8 What is reflected, you see the line that says, "5/4,
9 2006, passed both houses"?

10 A. Yes.

11 Q. What does that reflect?

12 A. That the bill was voted on in both houses and it passed.

13 Q. On what date?

14 A. May 4th, 2006.

15 Q. And then what's -- the line below that, what does that
16 indicate?

17 A. That on May 25th, the bill was sent to the governor.

18 Q. Is that a procedural step that had to take place before
19 the defendant could act on a particular bill?

20 A. Correct.

21 Q. And what does the next line show?

22 A. That on May 26th, the governor approved or signed the
23 bill.

24 Q. So on the 2006 law, the defendant signed the bill one day
25 after it got to him?

1 A. Correct.

2 Q. And once the defendant signed the 2006 bill, did it become
3 law?

4 A. Yes.

5 Q. And under the 2006 racing law, how long did the horse
6 racing industry receive a subsidy?

7 A. It was supposed to receive the subsidy for two years.

8 Q. So did that law end two years later?

9 A. Yes.

10 Q. I'm going to direct your attention to November of 2008.
11 Was the Illinois legislature in session then?

12 A. Yes.

13 Q. In the November 2008 session, did the Illinois legislature
14 consider this racing bill that you described earlier?

15 A. Yes.

16 Q. So was this a similar bill in 2008 to the one that had
17 passed in 2006?

18 A. Yes.

19 Q. Under the 2008 racing bill, how long would the subsidy
20 last under that bill?

21 A. It could last up to three years.

22 Q. Were there things that could take place that would make it
23 last less than three years?

24 A. Yes.

25 Q. If the Illinois legislature passed the racing bill, would

1 it go to the governor for signature?

2 A. Yes.

3 Q. And what could the defendant do with the bill at that
4 point?

5 A. Nothing -- oh, you mean what could he do?

6 Q. Yes.

7 A. He could sign it, veto it, amendatorily veto it and sign
8 it.

9 Q. What would happen if the defendant signed it?

10 A. It would become law.

11 Q. Did you talk with Johnston prior to the November 2008
12 legislative -- excuse me.

13 Did you talk to Johnston before the 2008,
14 November 2008 legislative session?

15 A. Yes.

16 Q. Did you talk to him about fundraising?

17 A. Yes.

18 Q. Did you talk to Johnston more than once on that topic?

19 A. Yes.

20 Q. Generally, what did you say to Johnston in those
21 conversations?

22 A. "How are we doing on getting the hundred thousand dollars
23 that he and Rod had talked about?"

24 Q. And generally -- so that was Johnston's potential
25 contribution?

1 A. Correct.

2 Q. And, generally, how did Johnston respond to your questions
3 about the contribution?

4 A. "I'm working on it."

5 Q. Did Johnston ever make a specific promise that he'd
6 deliver the money?

7 A. Not that I'm aware of, no.

8 Q. I'm going to direct your attention to November 13th, 2008.

9 On that date, did you talk with Robert Blagojevich,
10 the defendant's brother?

11 A. I believe so.

12 Q. And in that conversation, did you discuss the status of
13 your fundraising efforts with Johnston?

14 A. Yes.

15 MR. NIEWOEHNER: Your Honor, at this time, the
16 government would ask permission to publish the call at Tab 43,
17 which is Session 610.

18 MR. SOROSKY: What date is this?

19 MR. NIEWOEHNER: November 13th.

20 BY MR. NIEWOEHNER:

21 Q. Mr. Monk, if you could turn to Tab 43.

22 Oh, excuse me.

23 (Tendered.)

24 THE COURT: Okay.

25 (Tape played.)

1 BY MR. NIEWOEHNER:

2 Q. Now, Mr. Monk, just looking at the first page of the
3 transcript, that conversation was on November -- according to
4 the transcript, that conversation was on November 13th, is
5 that right?

6 A. Yes.

7 Q. Now, when you spoke with Robert Blagojevich that day, had
8 you generally indicated about the status of the fundraising
9 efforts for Johnston?

10 A. Yes.

11 Q. Generally speaking, what had you told Robert Blagojevich?

12 A. That I was down in Springfield and I had conversations
13 with John Johnston about it, and, you know, things were
14 progressing.

15 Q. And when you spoke with Robert Blagojevich, had you also
16 spoken about Gerald Krozel that day?

17 A. Yes.

18 Q. What had you said about fundraising with Krozel?

19 A. That I was still pushing Jerry Krozel, and he was trying
20 to get something done.

21 Q. I'm going to direct your attention back to the 2008 racing
22 bill.

23 Did the Illinois legislature pass that bill in its
24 November 2008 session?

25 A. Yes.

1 Q. What day did the bill pass the Illinois legislature?

2 A. On November 20th.

3 Q. After the racing bill was passed by the Illinois
4 legislature, did it become law?

5 A. No.

6 Q. Did the defendant -- did it need to go to the defendant
7 for signature?

8 A. Yes.

9 MR. NIEWOEHNER: Your Honor, at this time could I
10 publish the call at Tab 51, which is Session 951?

11 THE COURT: You may do so.

12 (Tape played.)

13 BY MR. NIEWOEHNER:

14 Q. Mr. Monk, if you could turn to Page 1 of the transcript.

15 A. Yes.

16 Q. According to the transcript, this call took place on
17 November 22nd, is that correct?

18 A. Correct.

19 Q. And can you turn to Page 2, at Line 6 or at Line 7, the
20 defendant says, "You didn't see Krozel yesterday 'cause you
21 were sick, right?"

22 What did you understand the defendant was saying
23 there?

24 A. He's just confirming that I hadn't seen Jerry Krozel on
25 that Friday before this call.

1 Q. Was it unusual in that timeframe for the defendant to
2 check on the status of your efforts with Krozel?

3 A. No.

4 Q. Then at Line 11, the defendant says, "What about the
5 Johnstons? Nothing yet."

6 What did you understand the defendant was saying
7 there?

8 A. He was asking for my status of trying to get the \$100,000
9 from the Johnstons.

10 Q. At Line 14 you say, "But I called him and had a
11 conversation with him, and he's kind of getting pissed off at
12 me 'cause he says, look, I've told you I'm good for it.
13 I'm -- I'm figuring out where to get the money and you can get
14 it in the next couple weeks." And the defendant says, "Good,
15 okay."

16 Had you actually spoken with Johnston around that
17 time?

18 A. I may have. I don't remember specifically.

19 Q. Had you actually had a conversation with Johnston roughly
20 in that timeframe?

21 A. Yeah. I was talking to him on a regular basis.

22 Q. Did you in that portion we just went through, did you give
23 the defendant an accurate description of your interaction with
24 Johnston?

25 A. No, not really. He wasn't -- John Johnston wasn't really

1 pissed off. I just wanted to relay a message to Rod that, you
2 know, I was working on it. I wasn't being as aggressive as he
3 thought I might be, and I wanted him to kind of back off.

4 Q. Were there times when you lied or exaggerated to the
5 defendant about the status of your fundraising efforts?

6 A. Yeah.

7 Q. Why did you do that?

8 A. Because my fundraising efforts were different than his.
9 They weren't as, you know, aggressive, in your face, and I
10 didn't want to get into discussions with him about how often I
11 should be calling someone and that type of thing, so I would
12 from time to time mislead him.

13 Q. Now turning back to the transcript, Line 22, you say, "And
14 he didn't say don't call me again, but you could just tell
15 there was an edge in his voice."

16 The defendant responds, "He knows by the end of the
17 year. He knows."

18 What did you understand the defendant meant at that
19 point?

20 A. Well, that John Johnston knows we need the contribution by
21 the end of the year.

22 Q. Now, after -- after the racing bill was passed by the
23 Illinois legislature on November 20th, was it sent to the
24 defendant for his signature?

25 A. Yes.

1 Q. Or I should say was it presented to the governor?

2 A. Yes.

3 Q. And what day was the 2008 racing bill formally brought
4 over so the defendant could act on it?

5 A. On November 24th.

6 Q. After that event took place on November 24th, could the
7 defendant have signed the racing bill into law immediately?

8 A. Yes.

9 Q. Was there any significant difference between the 2008
10 racing bill and the 2006 racing law that the defendant had
11 signed?

12 A. No.

13 Q. How long did it take the defendant to sign the 2006 racing
14 bill?

15 A. One day.

16 MR. NIEWOEHNER: Your Honor, can I publish the call
17 at Tab 52, Session 1005?

18 MR. SOROSKY: What date?

19 MR. NIEWOEHNER: November 24th.

20 THE COURT: Yes.

21 (Tape played.)

22 BY MR. NIEWOEHNER:

23 Q. Mr. Monk, if you could turn to the first page of the
24 transcript.

25 According to the transcript, this call takes place on

1 November 24th, is that right?

2 A. Yes.

3 Q. And at Line 18 on Page 1, you say, "I pressed Johnny again
4 today. He said I want to do something with Gupta. I said no.
5 I need you to do it separately. We're playing too many games
6 here. He goes, okay, you and I get together Monday and we'll
7 work it out, I'll get you the money."

8 And the defendant responds at the top of Page 2,
9 "Okay, good, beautiful."

10 Had Johnston actually made an actual commitment to
11 you to raising funds at that point?

12 A. No, but he did say we would get together Monday and, you
13 know, talk about it.

14 Q. And then at Line 9 on Page 2, you say, "And then I met
15 with Jerry Krozel."

16 Had you, in fact, met with Jerry Krozel on that day?

17 A. Yes.

18 Q. And you continue at Line 10, you say, "He goes, I'm
19 working on it. Everything looks like it's moving forward.
20 I'm not going to be able to come close to that number, but I'm
21 working really hard on it, looks good."

22 What were you indicating to the defendant there?

23 A. That Jerry Krozel wasn't going to come close to raising
24 \$500,000, but that he was still working on it.

25 Q. And if you go to Page 3, at Line 8, you say, "Those are

1 the three things I was working on today."

2 And the defendant says, "Okay. They'll do more than
3 a hundred, won't they, those, those guys?"

4 Who did you understand the defendant was talking
5 about?

6 A. Jerry Krozel and the road builders.

7 Q. What did you understand the defendant was saying?

8 A. That they -- they'd get to at least a hundred thousand
9 dollars, wouldn't they?

10 Q. And your response was at Line 12, "Uh, you know, I think
11 so. It's a little painful talking to him."

12 What were you indicating to the defendant there?

13 A. That I thought there was a chance that they could get to a
14 hundred thousand dollars.

15 Q. Did you still think Krozel was going to make a
16 contribution or arrange for contributions at that point?

17 A. Yes.

18 Q. Is this the last conversation you had with the defendant
19 about Jerry Krozel?

20 A. Yeah, I think it was.

21 Q. So the last conversation you had with the defendant, the
22 defendant indicated he hoped they would raise about a hundred
23 thousand dollars, is that right?

24 A. Right.

25 Q. Now, did you talk with John Johnston after the racing bill

1 was sent to the defendant for possible signature on
2 November 24th?

3 A. Yes.

4 Q. Did you have more than one conversation with Johnston?

5 A. Yes.

6 Q. What did Johnston say to you in those conversations?

7 A. He wanted to know what -- the timing of getting the racing
8 bill signed. He was trying to get it signed as soon as
9 possible.

10 Q. Did Johnston indicate why he wanted it signed as soon as
11 possible?

12 A. Yeah, because every day that the bill didn't get signed
13 and wasn't law, his two tracks were losing \$9,000 a day.

14 Q. After you learned that the racing bill had gone to the
15 defendant for signature on November 24th, did you speak with
16 John Harris about the racing bill?

17 A. Yes.

18 MR. NIEWOEHNER: Your Honor, can we publish the call
19 at Tab 53, which is Session 1065?

20 MR. SOROSKY: What date?

21 MR. NIEWOEHNER: The 26th.

22 THE COURT: You may.

23 (Tape played.)

24 BY MR. NIEWOEHNER:

25 Q. If you'd turn to Page 1. According to the transcript,

1 this conversation took place on November 26th, is that right?

2 A. Yes.

3 Q. Is that the day before Thanksgiving?

4 A. Yes.

5 Q. And on Page 2, Line 6, you indicate, "I just followed up
6 with John on the recapture bill."

7 The defendant says, "Yeah."

8 "And he told me you're struggling with it now."

9 Had you, in fact, spoken with John Harris?

10 A. Yes.

11 Q. And the defendant responds at Line 11, "No. I'll talk to
12 you about that. I'm not struggling with it."

13 What did you understand the defendant to mean there?

14 A. That he's not going to have a problem signing the -- the
15 racing bill, and that he wanted to talk to me about it.

16 Q. And he says at Line 12 that "It's a timing issue, that's
17 all."

18 Did you understand what the defendant meant at that
19 point?

20 A. No.

21 Q. At Line 14, you say, "Just so you know, all these guys are
22 just breathing down my neck."

23 And the defendant says, "I hear you."

24 What were you -- what did you mean when you said that
25 to the defendant?

1 A. That John Johnston and a couple other lobbyists and a
2 couple other people who were interested in getting the bill
3 signed were calling me up and asking what the status of Rod
4 signing the bill was.

5 Q. At Line 23, the defendant says, "I'll be back Wednesday
6 because I gotta be in Philadelphia for this governors pre --
7 President Obama."

8 What did you understand the defendant was saying
9 there?

10 A. That he'd talk to me about it in more depth about the
11 signing of the racing bill after he got back from Philadelphia
12 the following Wednesday.

13 Q. What did you understand that meant about the timing of the
14 signature of the racing bill?

15 A. That it was going to be at least a week before it got
16 signed.

17 Q. Did you want the defendant to wait another week before
18 signing it?

19 A. No.

20 Q. If you'd turn to Page 3.

21 You say, "Well, I'm going to see you Wednesday
22 anyway. I'm going to see you at 3:00 o'clock on Wednesday at
23 the campaign office."

24 What were you indicating there?

25 A. That he and I were scheduled to meet at 3:00 o'clock that

1 following Wednesday.

2 Q. For what purpose?

3 A. Talk about fundraising.

4 Q. The defendant says, "Oh, excellent. Then we can -- that's
5 perfect. Yeah, that's perfect."

6 What did you understand him to mean?

7 A. That he didn't -- he didn't know that that meeting had
8 been confirmed yet. So he said, oh, excellent to that, and
9 he's kind of saying, yeah, that -- that's perfect. We can
10 talk about it then.

11 Q. At Line 8, you say, "You're not going to do anything,
12 you're not going to do anything before that."

13 And the defendant responds, "No, and it's not
14 gonna -- there's no negatives. You know, you got nothing to
15 worry about."

16 What did you understand the defendant to be saying
17 there?

18 A. That I didn't need to worry about the bill getting signed,
19 that he was going to sign the bill.

20 Q. Were you concerned that the defendant wasn't going to sign
21 the bill?

22 A. Not at that point, no.

23 Q. What was your concern?

24 A. That it was going to -- it wasn't going to get signed that
25 day immediately.

1 Q. I'm going to direct your attention now to December 3rd.

2 Is that the Wednesday that you discussed in that
3 phone call?

4 A. Yes.

5 THE COURT: I think we're going to break now.

6 COURT SECURITY OFFICER: All rise.

7 (Jury exits courtroom.)

8 THE COURT: 3:20.

9 (Recess from 2:55 to 3:28 p.m.)

10 (Jury enters courtroom.)

11 THE COURT: Please be seated.

12 You may proceed.

13 MR. NIEWOEHNER: Thank you, your Honor.

14 BY MR. NIEWOEHNER:

15 Q. Mr. Monk, before we broke, I had asked you some questions
16 about the tollway and Jerry Krozel. Do you recall that?

17 A. Yes.

18 Q. And in particular, I had asked you about a conversation
19 that you had related or that there had been a call you
20 listened to with yourself and the defendant on November 24th.
21 Do you recall that?

22 A. Yes.

23 Q. A couple days before Thanksgiving?

24 A. Yes.

25 Q. In that conversation, you indicated or the last statement

1 from the defendant was that his hope that Krozel would still
2 raise a hundred thousand dollars. Do you recall that?

3 A. Yes.

4 Q. In fact, was that conversation you had had before your
5 conversation with the defendant, you had had a conversation
6 with Krozel?

7 A. Yes.

8 Q. Was that, in fact, your last conversation with Krozel as
9 well?

10 A. Yes.

11 Q. And prior to that point, had Krozel ever raised any issue
12 or any difficulty with raising money?

13 A. Yes.

14 Q. What did he raise?

15 A. A couple reasons: One, the economy. What he had stated
16 in the meeting with Rod and I and Robert, that his industry
17 was depressed because of the economy so it was going to
18 difficult to fundraise from them.

19 And the other one was in one meeting I had with him,
20 he had raised the issue that he wasn't going to be able to ask
21 his members for money for about a two-week period because they
22 had just been served with subpoenas from the U.S. Attorney's
23 Office regarding fundraising in general. And so they would
24 have all been kind of nervous to be talking about fundraising
25 at that point.

1 Q. Road builders, is that the organization?

2 A. Yes.

3 Q. Did you understand that Krozel was still going to raise
4 money for the defendant notwithstanding those difficulties?

5 A. I thought he was, yeah.

6 Q. Let me take you back then to December 3rd and the racing
7 bill.

8 Was that the Wednesday that followed the last phone
9 conversation you -- we played with the defendant?

10 A. Yes.

11 Q. Did you meet with the defendant that day as you'd
12 originally planned?

13 A. Yes.

14 Q. What was the original purpose of the meeting?

15 A. To talk about fundraising.

16 Q. Where did the meeting take place?

17 A. In the campaign office.

18 Q. When you went to the campaign office that day, where did
19 you go first?

20 A. Into the conference room.

21 Q. Who was present at the start of the meeting?

22 A. Rod, Robert and myself.

23 Q. What happened at the very beginning of the meeting?

24 A. Rod said, oh, let's go -- let's go into my office and talk
25 about your issue.

1 Q. What did you understand the defendant was referring to?

2 A. He wanted to talk about the signing of the racing bill.

3 Q. Where did you go at that point?

4 A. Into his office.

5 Q. Did -- what happened with Robert Blagojevich?

6 A. I think he just stayed in the conference room. He did not
7 come into the -- into Rod's office.

8 MR. NIEWOEHNER: Your Honor, at this time can we
9 publish the call at Tab 59, or the overhear, I should say?

10 THE WITNESS: What number?

11 MR. NIEWOEHNER: Would you turn to Tab 59.

12 THE COURT: You may play it.

13 (Tape played.)

14 BY MR. NIEWOEHNER:

15 Q. Mr. Monk, if you could turn to Page 1 of the transcript,
16 and what -- the transcript reflects what date and time for
17 this conversation?

18 A. December 3rd at 2:13 p.m.

19 Q. And at Line 4, the defendant says, "I'm not going to the
20 wake. You going to sister's wake?"

21 And then at Line 8 you say, "Going to Oklahoma." At
22 Line 12, "Tomorrow my dad, some army reunion."

23 What did you understand the defendant was saying
24 there?

25 A. He was asking me whether I was going to the wake of John

1 Mitola's sister, just find out whether I was doing that or
2 not, and I told him I was going to Oklahoma for my dad's
3 reunion -- army reunion.

4 Q. Were you actually going to Oklahoma for your father's
5 reunion?

6 A. No.

7 Q. At that time, was your father ill?

8 A. Yes.

9 Q. Where were you actually going?

10 A. To the Dominican Republic to play golf with some friends.

11 Q. Why didn't you tell the defendant you were going to go on
12 vacation?

13 A. Because I didn't want him to know I was going on vacation.
14 I had done this once before during a fundraising period of
15 time, and we got into a big screaming match, and I didn't feel
16 like doing that again.

17 Q. Now, Line 14, the defendant says, "What do you got?"

18 What did you understand the defendant to mean there?

19 A. He wanted -- he was starting the beginning of the
20 discussion of the issue I wanted to talk about, which was the
21 signing of the bill.

22 Q. And you respond at Line 15, "So what do I tell him?"

23 And he says at Line 16, "This bill's, let's go, I
24 mean, just say."

25 What did you understand the defendant was doing

1 there?

2 A. We were starting to have a hypothetical conversation that
3 I would be having with John Johnston, and he's starting off
4 saying -- you know, he's just trying to figure out what I
5 should say to John Johnston.

6 Q. So did you then talk with the defendant about what this
7 possible conversation might look like?

8 A. Yeah.

9 Q. So at Line 21, when you said, "And say, look, he's -- he's
10 concerned about signing the bill," what were you doing there?

11 A. I was going through this hypothetical conversation that I
12 would have with John Johnston, and I'm saying, "Look, he,"
13 Rod, "Rod's concerned about signing the bill."

14 Q. And then you continue at Line 22, you say, "But you got --
15 he's going to sign the bill and all of a sudden you guys are
16 going to say" -- was that still part of the possible
17 conversation?

18 A. Yes.

19 Q. What were you saying there?

20 A. That he, Rod's going to sign the bill, and all of a sudden
21 you guys are going to say, you know, wait a second, we don't
22 want to give this contribution right now.

23 Q. Who are the you guys you were referring to?

24 A. The Johnstons.

25 Q. And on Line 3, the defendant says, "Correct, or, you know,

1 all of a sudden, you're going to give him a contribution, now
2 we're concerned."

3 What did you understand the defendant was doing?

4 A. He was, again, going through a potential conversation I
5 was going to have with John Johnston, and he was saying, you
6 know, all of a sudden, you're going to give me a contribution
7 and we're going to be concerned, being me and Rod.

8 Q. And you respond at Line 6, "He's going to sign the bill,
9 and all of a sudden, you're going to give a contribution.
10 Yeah, I don't want to say that." You continue "Because then
11 he's going to say, you're right. You know, we can't do it
12 right now."

13 What were you saying there?

14 A. That I didn't want to go down that line of thought with
15 John Johnston. I didn't want to tell him that because I
16 didn't want to plant a seed of doubt that he could be giving
17 Rod a contribution right now.

18 Q. You didn't want --

19 A. I didn't want to give John Johnston this thought process
20 that he couldn't give a contribution once the bill was signed.

21 Q. Did you want Johnston to make a contribution at that
22 point?

23 A. Yeah.

24 Q. Line 13, the defendant says, "Right," and then at Line 15,
25 he continues, "You could say he could sign the bill right

1 after the first of the year."

2 What did you understand the defendant was doing
3 there?

4 A. That he was -- that I could tell John Johnston that he,
5 Rod, would sign the bill after the first of the year.

6 Q. And he continues by saying, "I think you just say that,
7 he's going to sign all his bills, in signing all, he's doing
8 all his bills, right?"

9 What did you understand the defendant was suggesting?

10 A. That he would delay signing the racing bill and sign them
11 in conjunction with all these other bills that were ready to
12 be acted upon or signed.

13 Q. And at what point would he sign all those bills?

14 A. After the first of the year.

15 Q. Now, prior to this conversation, had the defendant ever
16 suggested to you that he was going to wait to sign the racing
17 bill to do it with other bills?

18 A. No.

19 Q. When you were Chief of Staff of the defendant, had you had
20 discussions with him about the timing of when he would sign
21 bills?

22 A. Yes.

23 Q. Did you have experience with the factors the defendant
24 considered when he was going to sign a bill?

25 A. Yeah.

1 Q. Were there times that the defendant did wait to sign a
2 bill to do it with other bills?

3 A. Yes.

4 Q. What were those circumstances?

5 A. If it was a bill that he wasn't that excited about or
6 didn't like but he knew he had to sign, he would sign it in
7 conjunction with other bills so that it wouldn't get as much
8 publicity as it otherwise would if he signed it by itself or
9 in connection with a press event.

10 Q. From what the defendant said to you, did he ever express
11 any concern about bad publicity in connection with this 2008
12 racing bill?

13 A. No.

14 Q. Is there any significant difference between the 2008
15 racing bill and the 2006 racing bill that he had already
16 signed?

17 A. No.

18 Q. What did you understand the purpose of suggesting that you
19 tell John Johnston that the defendant was going to sign the
20 racing bill after the first of the year to be?

21 A. It was going to be -- the purpose was to delay signing the
22 bill so that we could try and get the contribution before the
23 end of the year.

24 Q. And from your conversations with Johnston, did he want to
25 wait until after the first of the year to get the racing bill

1 signed?

2 A. No. He wanted it signed as soon as possible.

3 Q. Why?

4 A. Because every day it wasn't being signed, his two
5 racetracks were losing \$9,000 a day.

6 Q. So at Line 20, you respond, "No."

7 What were you indicating there?

8 A. No, don't -- don't delay signing this until the end of the
9 year. Let's not go to him and say that.

10 Q. You continue at Line 20, "Look, I want to go to him
11 without crossing the line and say give us the f'ing money,"
12 and continue, "give us the money and one has nothing to do
13 with the other, but give us the f'ing money."

14 What were you doing when you said, "I want to go to
15 him without crossing the line and say give us the f'ing
16 money"?

17 A. I was trying to -- you know, I was trying to justify in my
18 mind or make myself feel better that we weren't exchanging the
19 campaign contribution for the timing of signing this bill, so
20 I was, you know, trying to convince myself that somehow I
21 wasn't crossing the line and having that discussion --
22 potential conversation with him.

23 Q. Did you think at that point in time the defendant was
24 exchanging the signing of the bill quickly for a contribution?

25 A. Yes.

1 Q. And you continue and say, "When you said give us the money
2 and one has nothing to do with the other but give us the f'ing
3 money, you actually said that to Johnston," what message do
4 you think you were going to send to Johnston?

5 A. That the two are connected, the signing of the bill and
6 the campaign contribution are connected. I wouldn't have had
7 to say that otherwise.

8 Q. Going back to the transcript at Line 28, you say, "Because
9 they're losing, they're losing 9,000 a day," you continue "for
10 every day it's not signed."

11 What were you saying there?

12 A. I was trying to make the point to Rod that he needed to
13 sign the bill because they're losing \$9,000 a day every day
14 it's not signed.

15 Q. The defendant responds, "Okay, and so" and then there's
16 going on to the next page, you say at Line 1, "But I feel like
17 leaving right now and going over there and saying give me the
18 money."

19 What were you saying there?

20 A. That I wanted to leave the campaign office at that point
21 and go over and meet with John Johnston at his office.

22 Q. Then at Line 4, you say, "How many bills are in question
23 right now? I mean how many, how many need to be signed
24 approximately, ten or a hundred?"

25 The defendant responds, "A hundred."

1 What were you saying there?

2 A. I was asking him how many bills were ready to be signed so
3 that, you know, if the conversation started going in the
4 direction of, you know, immediate signing, he could sign the
5 racing bill along with these immediately.

6 Q. At Line 8, the defendant says, "This is a, you know, a key
7 month, you know, to get. It's been a year now, a year last
8 December."

9 What did you understand the defendant to be saying
10 when he said, "It's been a year, a year last December"?

11 A. That it had been a year since he'd gotten a contribution
12 from the Johnstons, and he thought that was a long period of
13 time.

14 Q. Then at Line 11, he says, "I need Greenlee right away."

15 What was the defendant doing at that point?

16 A. He was on the phone talking to, I'm assuming his
17 secretary, saying I need -- "I need Greenlee." He needed to
18 talk to Bob Greenlee.

19 Q. Did he subsequently have a conversation on the telephone?

20 A. Yes.

21 Q. Line 14, the defendant says, "Hey, how many bills do we
22 have that I have to act on right now? 30 bills, and they're
23 all the same timing. Yeah, so don't do any of 'em. I want to
24 do 'em all together. Okay, in toto. Okay, all 30."

25 What did you understand the defendant was saying

1 there?

2 A. That Greenlee had told him that there were 30 bills to
3 sign, but he didn't want -- he didn't want anybody to act on
4 them right now. He wanted to do them all together.

5 Q. And then at Line 21, you say, "Can you do 'em -- are they
6 ready to go now, today?"

7 Line 23, the defendant says, "Can I do them all
8 today? Okay, I don't -- don't do anything yet."

9 What did you understand the defendant was saying
10 there?

11 A. That they were all ready to go that day but was telling
12 Greenlee don't -- don't do them right now.

13 Q. And then at Line 29, the defendant says, "I think you just
14 say, look, it's been a year. Let's just get this done, just
15 get it done. Christ."

16 What did you understand the defendant was doing
17 there?

18 A. He was telling me that I should go to John Johnston and
19 say, you know, it's been a year since you made a contribution.
20 Just make -- make another contribution.

21 Q. And at Line 35, the defendant says, "When are you going to
22 see him?"

23 You say, "I want to see him right now."

24 The defendant continues, "I could have Greenlee or
25 someone call and say I'm going to have a bill-signing event

1 and schedule something during January or late December or
2 southern Illinois."

3 What did you understand the defendant was saying
4 there?

5 A. That he could call up Greenlee and kind of reassure John
6 Johnston it was going to get signed, but that it was going to
7 be delayed until December, late December, early January.

8 Q. Now, there's a reference to a bill-signing event.

9 What's a bill-signing event?

10 A. That's a -- typically a press conference where he would
11 hold a press conference while he signs the bill into law,
12 signs a bill into law.

13 Q. Had you, when you were Chief of Staff, had you
14 participated in bill-signing events with the defendant?

15 A. Yes.

16 Q. What was the purpose of having a bill-signing event?

17 A. It was to get good -- good publicity for the governor and
18 for the program or project or bill that he was signing, get it
19 publicity.

20 Q. What would be the purpose of having a bill-signing event
21 with the racing bill?

22 A. To get --

23 Q. Actually strike that.

24 Earlier in the same conversation, the defendant
25 talked about holding the racing bill to do it with other

1 bills. Do you recall that?

2 A. Yes.

3 Q. What was the point of doing that?

4 A. To come up with an excuse to delay signing the racing
5 bill.

6 Q. Would that draw attention to the -- if you did a
7 bill-signing event, could you draw attention to a bill?

8 A. Yes.

9 Q. If you held up the bill to sign with other bills, were you
10 trying to draw attention to a bill?

11 A. No.

12 Q. Are those inconsistent?

13 A. Yes.

14 Q. What would the effect of doing either a bill-signing event
15 or delaying signing a bill to do it with others?

16 A. It would delay -- it would cause a delay in signing the
17 racing bill and the other 30 bills.

18 Q. At Line 5, you say, "Don't 'cause then" -- and you
19 continue saying "I think you'll have the opportunity right
20 now."

21 And the defendant says, "Okay, so you go see him?"

22 What were you indicating to the defendant there?

23 A. Don't -- don't talk about scheduling an event for late
24 December, early January. I think you'll have an opportunity
25 right now because I wanted to go over there and see if I could

1 get the contribution.

2 Q. Then on Line 9, the defendant says, "What are you going to
3 say to him? Be careful."

4 What did you understand the defendant was saying
5 there?

6 A. That he wanted to go through -- he wanted to hear what I
7 was going to say to him and he wanted me to be careful. He
8 didn't want me to be too blatant in talking about signing of
9 the racing bill in exchange for a campaign contribution.

10 Q. At Line 11, you say, "I'm going to say to him stop
11 screwing around, get me the money."

12 What were you doing or what were you indicating
13 there?

14 A. That this is what I would potentially say to John
15 Johnston.

16 Q. And you continue at Line 13, you say, "The concern is is
17 that, um, you know, holding back and want to group all these
18 bills together, but what's affecting him is that he feels
19 you're going to get skittish if he signs the bill, get me?"

20 What were you saying there?

21 A. I was -- I was, again, going through my hypothetical
22 conversation with John Johnston, and I was -- and I was
23 telling him that if Rod signed the bill, we're concerned that
24 you'd get skittish about making a contribution right away.

25 Q. Who would -- when you said affecting him, is that he feels

1 like, who are you referring to?

2 A. He, Rod.

3 Q. And when you said you're going to get skittish, what were
4 you referring to there?

5 A. That Rod felt like John Johnston would get skittish if he
6 signed the bill, skittish about making a contribution.

7 Q. And at Line 18, you say, "I'm going to use the word
8 skittish," and the defendant says, "Yeah."

9 What were you indicating there?

10 A. I wanted his sign-off or approval on using that particular
11 language because he told me to be careful above that.

12 Q. What did you understand the defendant to indicate to you?

13 A. That that was -- that was proper, that that's what I
14 should have used.

15 Q. Why were you checking with the defendant on the precise
16 language you were going to use?

17 A. Because he wanted me to be careful. He did not want me to
18 be blatant about exchanging a campaign contribution for the
19 signing of this bill.

20 Q. What message did you understand the defendant wanted
21 delivered to John Johnston?

22 A. That they were in exchange for one another.

23 Q. At Line 22, the defendant says, "And he likes some
24 separation between that and signing the bill."

25 What did you understand the defendant to be saying

1 there?

2 A. He's saying that I should tell John Johnston that he, Rod,
3 would like some separation between the campaign contribution
4 and the signing of the bill.

5 Q. What did you understand was supposed to happen first?

6 A. That the campaign contribution should be made first.

7 Q. And at Line 24, you say, "Define separation." And the
8 defendant says, "A week."

9 What did you understand the defendant to mean?

10 A. That once he got the contribution, he was going to wait at
11 least a week to sign the bill.

12 Q. How much money would it cost John Johnston if the
13 defendant waited another week to sign the bill?

14 A. \$63,000.

15 Q. What message did you understand you would be sending if
16 you told Johnston that it would be at least a week between
17 when the bill was signed and the contribution -- excuse me --
18 between when the contribution was being made followed by the
19 bill being signed?

20 A. That the sooner he got us the contribution, the sooner he
21 could sign the bill.

22 Q. At Line 28, you say, "John, how are you?"

23 What were you doing at that point?

24 A. I was on the phone with John Johnston.

25 MR. NIEWOEHNER: Your Honor, at this time, I'd ask

1 permission to publish the call at Tab 61, which is Session
2 431.

3 THE COURT: Yes.

4 (Tape played.)

5 BY MR. NIEWOEHNER:

6 Q. If you look at the -- according to the transcript, what
7 time did this conversation take place?

8 A. 2:21 p.m. on December 3rd.

9 Q. And had you had a prior plan to talk with Johnston prior
10 to this phone conversation?

11 A. No.

12 Q. Did you leave the campaign offices shortly after this
13 call?

14 A. Yes.

15 MR. NIEWOEHNER: Your Honor, can I publish the call
16 at Tab 62?

17 THE COURT: Yes, you may.

18 (Tape played.)

19 BY MR. NIEWOEHNER:

20 Q. And what time was that conversation, according to the
21 transcript?

22 A. At 2:35 on December 3rd.

23 Q. After that call, what did you do?

24 A. I went to John Johnston's office.

25 Q. At that point, what did you understand the defendant was

1 doing with respect to the racing bill?

2 A. He was holding up signing it in exchange for the campaign
3 contribution.

4 Q. What did you want Johnston to do at that point?

5 A. Make a contribution.

6 Q. And had your understanding of what the defendant wanted
7 occurred during that conversation back at the offices?

8 A. Yes.

9 Q. And, I'm sorry, what did you want Johnston to do?

10 A. Make a campaign contribution.

11 Q. Why did you want Johnston to make the campaign
12 contribution?

13 A. So that we could get the bill signed.

14 Q. Did you decide to help the defendant get his contribution
15 in exchange for no longer delaying signing the bill?

16 A. Yes.

17 Q. Did you go have a conversation with Johnston to try to
18 make that happen?

19 A. Yes.

20 Q. Where did you go?

21 A. To his office at Maywood Racetrack.

22 Q. Where is that located?

23 A. In Melrose Park.

24 Q. What did you do once you reached the racetrack?

25 A. I met with him and his father, Bill Johnston.

1 Q. What did you discuss while -- or who is Billy Johnston?

2 A. He's John's father, owns the two racetracks we've talked
3 about.

4 Q. What did you discuss while Billy Johnston was present?

5 A. Very briefly, the signing of the bill and Billy trying to
6 convince me to try to get Rod to sign the bill.

7 And then mostly it was small talk, talking about the
8 Yankees and George Steinbrenner.

9 Q. Did you raise any issues about fundraising in front of
10 Billy Johnston?

11 A. No.

12 Q. Did you want to talk to John Johnston that day about
13 fundraising in front of anyone else?

14 A. No.

15 Q. Did you talk alone with John Johnston at some point?

16 A. Yes.

17 Q. How did that come about?

18 A. I think I told John and Bill that I needed to get going,
19 and on my way out, I asked John if he could talk to me.

20 Q. Where did you talk with Johnston?

21 A. In the hallway leading to the reception area and in the
22 reception area.

23 Q. Was anyone else present for that conversation?

24 A. No.

25 Q. What did you do after that conversation?

1 A. I got in my car to go home.

2 Q. Did you talk with the defendant after you got in your car?

3 A. Yes.

4 Q. About how soon after you got in your car did you talk to
5 the defendant?

6 A. Within minutes.

7 Q. Why did you call the defendant so quickly?

8 A. Because I knew he'd be interested in the result of my
9 meeting with John Johnston because I had just left the
10 campaign office.

11 MR. NIEWOEHNER: Your Honor, can we publish the call
12 at Tab 63?

13 THE COURT: Yes, you may.

14 (Tape played.)

15 BY MR. NIEWOEHNER:

16 Q. Turning to Page 1, Mr. Monk, according to the transcript,
17 what is the date and time of this conversation?

18 A. December 3rd at 4:11 p.m.

19 Q. And at Line 9 on Page 1, you say, "So I'm just leaving
20 there, um, I talked to him about his commitment."

21 What were you describing there?

22 A. That I was just leaving John Johnston's office and that I
23 had talked to him about his campaign contribution.

24 Q. And at Line 11, you say, "Yeah, I said, two separate
25 conversations, what about your commitment?"

1 Did you say something along those lines to Johnston?

2 A. Yes.

3 Q. Why did you do that?

4 A. Because I wasn't -- I was trying to be, you know, subtle
5 in my conversation with John Johnston. I didn't want to be
6 blatant in the discussion about exchanging the campaign
7 contribution for the timing of the signing of the bill.

8 Q. Did you understand there was, in fact, a connection
9 between the contribution and the timing of the signing of the
10 bill?

11 A. Yes.

12 Q. Who was making that connection?

13 A. Me and Rod.

14 Q. Did you think that telling John Johnston those were two
15 separate matters would actually make him believe they were two
16 separate matters?

17 A. No.

18 MR. SOROSKY: Objection, your Honor, to this witness
19 saying Governor Blagojevich was making the connection. This
20 witness can say he understood.

21 THE COURT: He was just asked what he thought.

22 MR. SOROSKY: Pardon me?

23 THE COURT: I think you've misconstrued the question.
24 He was just asking what he thought, and he's entitled to
25 answer that.

1 MR. SOROSKY: Well, but the witness answered --

2 THE COURT: I overrule the objection.

3 MR. NIEWOEHNER: Should I repeat the last question?

4 THE COURT: Yes.

5 THE WITNESS: Yes, please.

6 BY MR. NIEWOEHNER:

7 Q. Did you think that telling John Johnston these were two
8 separate matters would actually make him believe that they
9 were two separate matters?

10 A. No.

11 Q. What message do you think you were sending to Johnston?

12 A. That they weren't separate matters, that they were tied
13 together.

14 Q. Turn your attention to Line 17, there you say, "And I
15 said, look, there's a concern that there's going to be some
16 skittishness if your bill gets signed because of the
17 timeliness of the commitment."

18 Did you say something like that to Johnston?

19 A. Yes.

20 Q. Did you use the phrasing that you had discussed with the
21 defendant back at the campaign office?

22 A. Yes.

23 Q. Why did you use the phrasing that you discussed earlier
24 with the defendant?

25 A. Because I knew that he wanted me to be careful and not too

1 blatant in having this conversation with John Johnston. It
2 was fresh in my mind, and I wanted to use that language.

3 Q. When you told Johnston that there was some skittishness if
4 your bill gets signed because of the timeliness of the
5 commitment, what did you mean?

6 A. That we were concerned that if he -- if Rod signed the
7 bill, there would be skittishness on his part about making the
8 commitment before the end of the year.

9 Q. Why did you tell that to Johnston?

10 A. Sorry?

11 Q. Why did you say that to Johnston?

12 A. Because I wanted to find out if there was any skittishness
13 there.

14 Q. How did Johnston respond when you said something like some
15 skittishness if your bill gets signed because of the
16 timeliness of the commitment?

17 A. Something, ah, I knew it, I knew that was the reason. No,
18 absolutely not.

19 Q. Turn your attention to Line 21. You said, "He said
20 absolutely not, and would you want me to put some into next
21 quarter."

22 Did Johnston in your conversation suggest that he
23 would put some contribution into the next quarter?

24 A. That's what he was asking, whether he should do that or
25 not.

1 Q. What did you understand Johnston to mean?

2 A. That he would divide up the hundred thousand dollars and
3 give some of it now and some of it next quarter -- or some of
4 it before the end of the year and some of it next quarter.

5 Q. And at Line 23, you say, "I said no, that's not my point.
6 My point is this all has -- this all has got to be in now."

7 Did you tell Johnston words to the effect "it's all
8 got to be in now"?

9 A. Yes.

10 Q. What did you mean when you said that to Johnston?

11 A. That we needed to have it by the end of the year.

12 Q. Going back up for a moment to Line 13, you say, "He goes,
13 Lon, I have to leave in two weeks. I'm going to be gone for
14 two weeks."

15 Did Johnston suggest in your conversation that he'd
16 leave in two weeks?

17 A. Yes, that he was going to go on vacation.

18 Q. Did Johnston talk about making contributions before he
19 left?

20 A. Yes.

21 Q. At that point, did you think Johnston was going to make a
22 contribution?

23 A. Yes.

24 Q. If you'd turn to Page 2, and at Line 6, you say, "The
25 reason it took so long is that Billy came in and started

1 talking about George Steinbrenner and not about the bill so
2 much, but just about his illness and all that, and I didn't
3 want to have that conversation in front of Billy."

4 What were you telling the defendant when you said you
5 didn't want to have that conversation in front of Billy?

6 A. That I didn't want to have the fundraising discussion and
7 signing-of-the-bill discussion in front of Billy Johnston.

8 Q. When the defendant responded, "Ya, I know. Good job,"
9 what did you understand the defendant meant?

10 A. That that was right, I should not have had that
11 conversation in front of Billy Johnston.

12 Q. The next day is December 4th, is that right?

13 A. Yes.

14 Q. What did you do that morning?

15 A. I flew to the Dominican Republic.

16 Q. Did you talk with the defendant that day?

17 A. Yes.

18 Q. Where were you physically when you had that conversation
19 with the defendant?

20 A. In the Miami airport.

21 MR. NIEWOEHNER: Your Honor, can we publish the
22 tab -- the call at Tab 64?

23 THE COURT: Yeah. You may.

24 (Tape played.)

25 BY MR. NIEWOEHNER:

1 Q. Going back to Page 1, according to the transcript, what's
2 the date and time of this call?

3 A. 9:09 a.m. on December 4th, 2008.

4 Q. Is that the call you made from the Miami airport?

5 A. Yes.

6 Q. If you go to Page 2, at Line 12, you say, "You ought to
7 give, not today but maybe tomorrow, just give John Johnston a
8 call and say, you know, call, call him just to say hello, you
9 know, I'm working on the timing of this thing, but it's going
10 to get done."

11 What were you saying there?

12 A. That I wanted Rod to have a conversation with John
13 Johnston and, you know, reassure him that it's going to get
14 signed and he's working on the timing of it.

15 Q. What effect did you think it was going to have if the
16 governor of Illinois called John Johnston?

17 A. It was going to put more pressure on John to make a
18 contribution than it would coming from me.

19 Q. At Line 26, the defendant says, "Call Johnny Johnston or
20 should I call -- have Harris call him?"

21 He continues Line 1 on the next page, "I mean, you
22 want me to call him directly, I will. Whatever's the best
23 thing."

24 What did you understand the defendant to be saying
25 there?

1 A. He's asking whether he should call John Johnston or have
2 John Harris call him.

3 Q. And at Line 4, you respond, "I think it's better if you do
4 it." Line 6. "It -- it's better if you do it just from a
5 pressure point of view."

6 What were you saying there?

7 A. That it was going to put more pressure on John Johnston if
8 Rod was having a conversation with him about the signing of
9 the timing of the bill than it would if John Harris was
10 calling him.

11 Q. And at Line 8, the defendant says, "Yeah, good. I'll call
12 him and say, yeah, we'll -- and we want to do an event down,
13 down, downstate."

14 He continues at Line 12, "I'll say we want to do it,
15 we hope, we hope to do this, get together and start picking
16 some dates to do a bill signing, right?"

17 What did you understand the defendant was saying
18 there?

19 A. That he was going to have a conversation with John
20 Johnston about scheduling a bill-signing event downstate, you
21 know, that would be some time off in the future.

22 Q. What did you understand the effect of the defendant
23 talking about doing a bill-signing event downstate to be?

24 A. That he was going to be delivering a message to John that
25 he was delaying signing the bill.

1 Q. Was that consistent with the defendant's earlier comments,
2 that he was going to hold the bill to sign it with others?

3 A. The effect of it was the same. Both of them were delay
4 tactics.

5 Q. At Line 16, you said, "What are the chances based on my
6 conversation with you yesterday that this gets done next
7 week?"

8 What were you saying there?

9 A. I was trying to get off the bill-signing scenario and try
10 and get back into trying to get this thing signed next week
11 based on the conversation I had with him because I was still
12 convinced the Johnstons were going to make the contribution,
13 can we get this bill signed next week.

14 Q. Did you understand that Johnston wanted the bill signed as
15 soon as possible?

16 A. Yes.

17 Q. And at Line 20, the defendant says, "You know, they're
18 good."

19 And you respond at Line 23, "He's, and I'm telling
20 you, he's going to be good for it. I got in his face."

21 What did you understand the defendant was saying?

22 A. You mean on Line 20?

23 Q. Yes.

24 A. He's saying, you know, they're good, that he can sign next
25 week.

1 Q. At Line 23, you respond, "He's, and I'm telling you, he's
2 going to be good for it. I got in his face." What were you
3 saying there?

4 A. That he was going to make the contribution and that, you
5 know, he should think about signing it next week.

6 You know, based on the inflexion in Rod's voice, I
7 wasn't convinced that he was going to be signing it next week,
8 and I wanted to tell -- I was telling him that I really did
9 think --

10 MR. SOROSKY: Object.

11 BY THE WITNESS:

12 A. -- Johnston was going to sign the bill -- I mean that
13 Johnston was going to make the contribution.

14 MR. SOROSKY: Objection to the inflexion in his voice
15 on the tape.

16 THE COURT: Oh, that's overruled.

17 BY MR. NIEWOEHNER:

18 Q. Mr. Monk, I think your answer may have been interrupted a
19 little bit.

20 There was sort of a pause. You mentioned the
21 inflexion of the defendant's voice. What did that -- what did
22 you understand the defendant was doing at that point?

23 A. He -- just kind of trying to put me off. I didn't believe
24 that they were good that they were going to get signed next
25 week, which is why I said, look, he's going to be good for the

1 contribution. Let's get the bill signed.

2 Q. What did you understand the defendant wanted to happen
3 first before he signed the bill?

4 A. Get the contribution.

5 Q. After this call, where did you go?

6 A. To the Dominican Republic.

7 Q. How long did you stay in the Dominican Republic?

8 A. For about four days.

9 Q. And did you return to Chicago on December 8th?

10 A. Yes.

11 Q. On December 9th, did you learn the defendant had been
12 arrested?

13 A. Yes.

14 Q. Did you speak with the defendant in between this
15 conversation on December 4th and December 9th before he was
16 arrested?

17 A. No.

18 Q. Had the defendant signed the racing bill as of December
19 9th?

20 A. I don't believe so, no.

21 MR. NIEWOEHRER: One moment, your Honor?

22 (Counsel conferring.)

23 MR. NIEWOEHRER: Nothing further, your Honor.

24 THE COURT: Whose is it? Do you want to start now,
25 or do you want to start tomorrow morning?

1 MR. SOROSKY: Tomorrow morning.

2 THE COURT: 9:30 tomorrow morning.

3 COURT SECURITY OFFICER: All rise.

4 (Jury exits courtroom.)

5 THE COURT: Please be seated in the courtroom.

6 You can step down.

7 You want to come to the lectern.

8 Scheduling, that's all we're talking about. Do you
9 have an idea of how long?

10 MR. SOROSKY: Hour, not that -- not that long.

11 THE COURT: Well, what's after that?

12 MR. SCHAR: John Johnston, Judge, and then I believe
13 Dr. Feinstein who was affiliated with the Chicago Academy.
14 Then Mr. Tusk. And I think after Mr. Tusk, if the
15 cross-examination is as I think it will be, then we may recall
16 Doug Scofield for a prior consistent, which actually reminds
17 me of an issue we need to raise with your Honor at some point.
18 And if that doesn't take us through tomorrow, then we'd have
19 Agent Cain probably.

20 THE COURT: Okay. That's fine.

21 What issue would you like to raise?

22 MR. SCHAR: In relation to Mr. Tusk, Mr. Tusk is
23 going to discuss the Chicago Academy. I don't know what the
24 cross-examination will be, but last time the cross-examination
25 was a combination of suggesting that Mr. Tusk was not being

1 forthright about his conversation with the defendant in which
2 the defendant had directed him to talk to Mr. Emanuel about a
3 fundraiser in exchange for the release of the grant.

4 As you may recall at this point, Mr. Wyma has
5 testified about a conversation he had afterwards with Mr. Tusk
6 in relation to that. It came in for a very limited purpose at
7 the time Mr. Wyma testified about it; however, if they in any
8 way suggest that Mr. Tusk isn't credible on that conversation,
9 then Mr. Scofield at the time had a similar conversation with
10 Mr. Wyma -- I mean with Mr. Tusk, and Mr. Wyma obviously had
11 that conversation and they would be prior consistent
12 statements.

13 That's not how Mr. Wyma's statement is in evidence
14 right now. It's in evidence for a more limited purpose, and
15 we'd be seeking an instruction to the jury that they
16 previously heard evidence on this from Mr. Wyma, and it is now
17 also -- they may permissibly use it for a different reason.

18 THE COURT: I don't think you're actually asking for
19 a ruling. This falls in the category of advance warning.

20 MR. SCHAR: Yes.

21 THE COURT: Okay. We'll see what happens when that
22 happens.

23 MR. SOROSKY: If he could just repeat again what is
24 the sense -- let me use the generic word -- the sensitive
25 conversation that the government is referring to?

1 THE COURT: My suggestion is that I leave the
2 courtroom --

3 MR. SOROSKY: And I'll talk.

4 THE COURT: -- you talk to Mr. Schar, and he'll tell
5 you.

6 MR. SOROSKY: Thank you.

7 MR. SCHAR: Very good, Judge.

8 THE COURT: Okay.

9 MR. NIEWOEHNER: Your Honor, there are two issues
10 with respect to Mr. Monk's cross-examination. We can do it
11 now or tomorrow morning, whichever your Honor prefers.

12 THE COURT: Now is good.

13 MR. NIEWOEHNER: Okay. There are two issues that we
14 believe the defense should be precluded from asking about with
15 Mr. Monk. One is it was done in the first trial with a couple
16 different witnesses, including Mr. Johnston and Mr. Monk, sort
17 of questions along the lines --

18 THE COURT: Say that again.

19 MR. NIEWOEHNER: There were questions to both
20 Mr. Monk and Mr. Johnston at the last trial along the lines of
21 Johnstons didn't earn the \$9,000 a day, sort of this jury
22 nullification idea that somehow there's something wrong with
23 the \$9,000 a day being -- that he was going to get under the
24 racing bill.

25 I think those are improper, and there shouldn't be

1 questions of either witness along those lines.

2 MR. SOROSKY: If I may respond, the government has
3 made a significant issue of the fact that every day the bill
4 was not signed by the governor, the racetracks were losing
5 \$9,000 a day.

6 With all due respect, that is inaccurate because
7 let's say the bill is signed January 1st for the sake of
8 conversation. The racetracks would still get their \$9,000 a
9 day. It's just -- or whatever it is, it just wouldn't begin
10 until January 1st, as opposed to whatever date the governor
11 signed the bill earlier.

12 The three years runs regardless of when the bill was
13 signed. It's not like it's three years from a certain due
14 date and every date it's not signed that \$9,000 a day is lost.

15 Secondly, at this period of time in Illinois in
16 December, all the racetracks are closed, so the urgency for
17 the \$9,000 a day is not that great.

18 Thirdly, there was a civil lawsuit filed by the
19 casinos, saying that the State of Illinois did not have a
20 right to take money from casinos and give it to racetracks by
21 way of legislation; so as a result of that civil suit in the
22 Circuit Court of Cook County, I believe, all the money was put
23 into a fund and would not go to the racetracks until the --
24 that case was stopped.

25 THE COURT: Give me a chronology.

1 MR. NIEWOEHNER: Your Honor, to be clear --

2 THE COURT: Beginning with the time when the governor
3 could sign the bill.

4 MR. NIEWOEHNER: The chronology is this: The bill
5 goes to him on November 24th. At that point, he can sign it.
6 He never signs it before December 9th, so it's not -- it never
7 becomes law.

8 The bill goes up to three years, and that's been made
9 clear by a couple different witnesses. There's a couple
10 different events that could happen between when it's signed
11 and when -- that would cut it short for three years, so it
12 doesn't necessarily go three years. So, in fact, every day
13 that it doesn't get signed could cost \$9,000.

14 THE COURT: Yeah, I got that part. Just the other
15 events, the court thing.

16 MR. NIEWOEHNER: The court thing, what Mr. Sorosky is
17 referring to, there's possibly two things. One, after the
18 racing bill becomes law, there is a civil suit filed that ends
19 up sort of staying the collection of the money so it is
20 sitting in an escrow fund. That clearly shouldn't come in.
21 That's a post-December-9th activity of which nobody knew that
22 that would or wouldn't happen.

23 There is an earlier -- in 2006, there had been a
24 similar lawsuit which did stay the distribution of the money.
25 However, our view is that that isn't relevant because we're

1 talking about the 2008 racing bill, and there's no civil suit
2 in the period before it's signed. There can't be because it's
3 not law yet.

4 MR. SOROSKY: With all due respect --

5 THE COURT: Wait, I'm asking actually simple
6 questions. I'm not into argument yet. When's the lawsuit
7 filed?

8 MR. NIEWOEHNER: On the 2006 bill or the 2008?

9 THE COURT: No, the later one.

10 MR. NIEWOEHNER: I don't know the date other than
11 it's filed after the bill gets signed.

12 THE COURT: Okay. Now, is it filed as customarily is
13 the case in these situations the day after or did somebody
14 wait?

15 MR. NIEWOEHNER: That I don't know, your Honor.

16 THE COURT: I'd like to know. It would be helpful to
17 me, so if somebody can find out.

18 MR. SOROSKY: It is my belief that although the 2006
19 racing bill had expired, the racetracks had never got their
20 money because the court had not ruled as to the
21 appropriateness of it. And one doesn't have to be naive to
22 accept the fact that the decision is eventually going to be
23 made by the Illinois Supreme Court, and I -- Johnny Johnston
24 was certainly aware of this.

25 And I will agree with the government that in one

1 sense, all of this is irrelevant; but with all due respect,
2 they opened the door by saying, oh, my God, these poor
3 racetracks are losing \$9,000 a day, and that's just not the
4 case in reality.

5 THE COURT: Are you claiming they would have no loss?

6 MR. SOROSKY: I'm saying they knew --

7 THE COURT: No, no, I'm asking the question. Are you
8 claiming they have no loss? Yes or no?

9 MR. SOROSKY: Right, they had -- they have no loss
10 because if the governor signs the bill --

11 THE COURT: The governor signs the bill on
12 November 24th, and November 25th, worst case for the
13 racetracks is \$9,000 a day goes into some escrow fund.

14 MR. SOROSKY: Right, which eventually did occur.

15 THE COURT: Okay. Now, suppose the -- when did it
16 take effect, the bill?

17 MR. NIEWOEHNER: December 15th is when it was signed.

18 THE COURT: Okay. So December 15 it's signed, and
19 then we have to find out when the lawsuit was filed.

20 MR. SOROSKY: It was filed shortly thereafter.

21 THE COURT: Okay. So we have got 21 days of no 9,000
22 bucks. So it's not in escrow, it's not earning interest in
23 escrow, it's just -- so your position is the worst case is
24 they lost the float on 21 days times 9,000.

25 MR. SOROSKY: Our position is I don't think the

1 tracks have lost anything because it is my understanding, and
2 I don't claim to know it all, but it's my understanding that
3 whenever the bill is signed, they get the \$9,000 a day from
4 the three years of the signing. So, therefore, if the
5 governor --

6 THE COURT: Okay, what I want --

7 MR. SOROSKY: Let's say the governor doesn't sign the
8 bill, and it becomes law --

9 THE COURT: Wait, wait, wait. I want you to tell me
10 why you think that, and maybe you can put it in writing, like
11 a paragraph, because I want to know -- because there's the
12 time value of money at the very minimum, and I'd like to know
13 what that story is, so we can talk about that.

14 The other thing is I'd actually like to know what the
15 procedure is. There is also the government's argument that
16 because of the nature of the bill, he runs a risk that maybe
17 the bill stops short at, say, two years and one month, in
18 which case the delay matters to him.

19 But let's calculate this through. So we'll see where
20 we are with it.

21 MR. NIEWOEHNER: Where we started was on the issue of
22 whether they can question him about what he earns or not.

23 THE COURT: No, the earned issue is out of bounds.
24 The earned issue, if there's a piece of legislation that says
25 you're entitled to this, we don't make judgments about whether

1 they worked hard enough for it or not. If you're legally
2 entitled to it and somebody interferes with that legal
3 entitlement, this is a wrong.

4 The fact that it may be less morally wrong because
5 they got it for some other reason doesn't count here.

6 MR. GOLDSTEIN: Can we correct, your Honor, the term
7 losing money, which is nowhere close --

8 THE COURT: This is what we were just discussing,
9 losing money.

10 MR. GOLDSTEIN: I mean, I don't -- we don't
11 necessarily have to use the word earned, but losing money is
12 the same jury nullification argument that the government's
13 making, that somehow this is a loss. They're not --

14 THE COURT: No, no, no.

15 MR. GOLDSTEIN: It's not a loss.

16 THE COURT: You know, you must not have been
17 listening to the first part of the conversation here. The
18 first part of the conversation was about loss, and that's what
19 I'm trying to look at.

20 The second part of this about earning is only on the
21 grounds that you make an argument to the jury that, well, it's
22 okay -- let me take it out of this context of this particular
23 case.

24 You can't -- let me give you something out of law
25 school. You steal a car. You're very happy with the car.

1 You park it on the street, and some thief steals it from you.
2 The thief who stole it from you, the thief can go to jail for
3 stealing it from you. Did you deserve to have that car in the
4 first place? No.

5 This is an old rule. Thief can be the victim of
6 another theft, and you cannot think of any higher level of
7 immorality than the guy acquiring the thing that's stolen by
8 stealing it himself.

9 So the fact that somebody may not have the high moral
10 ground, if they're entitled to the property, they are entitled
11 to the protection of the law. And so we're not going to be
12 dealing with concepts of earned income, whether this was a
13 good deal, whether this was a contrivance of the horsemen's
14 lobby which was more powerful than the casino lobby. We're
15 not going to go into any of that.

16 All we're going to deal with is the question of is
17 there a quantifiable monetary loss, and if there's a
18 quantifiable monetary loss, they can make the argument that it
19 cost them money. There are other forms of loss as well having
20 to do with expectancy, but we're not dealing with that yet.

21 MR. SOROSKY: We -- frankly, we never intended to use
22 the word earned, so we have no problem with --

23 THE COURT: Yes, but this includes all known synonyms
24 of the word earned.

25 MR. SOROSKY: But perhaps we can sit down with the

1 government and work out some --

2 THE COURT: Some, right, neutral word.

3 MR. SOROSKY: Some neutral word.

4 THE COURT: Right.

5 MR. SOROSKY: Some colloquy.

6 THE COURT: Yeah, that would be good.

7 MR. SOROSKY: Thank you. We'll try to do that.

8 MR. NIEWOEHNER: We'll try that, your Honor. And, of
9 course, the central point is is what's in the defendant's
10 head, and what he's told on the tape is that they're losing
11 \$9,000 a day.

12 THE COURT: Well, yeah, there's that --

13 MR. SOROSKY: That's a different issue.

14 THE COURT: That is.

15 MR. GOLDSTEIN: Losing maybe means gaining, who
16 knows?

17 THE COURT: Well, the point, to make another very old
18 analogy, if the governor thinks that this is his leverage,
19 it's very much like somebody pointing an unloaded gun at
20 somebody else and thinking it's loaded. You think you've got
21 leverage, and you don't have leverage because the guy can see,
22 since you're carrying a revolver, the weapon's unloaded. But
23 the guy carrying the gun is just as guilty as if the weapon
24 was loaded.

25 So we have that issue as well. And for all I know,

1 the government may reach the conclusion that the loss here,
2 the quantifiable loss here is not that great, and maybe they
3 won't go into the dollars; but the difficulty is, is I don't
4 think you can defend on the grounds that they wouldn't have
5 lost much because you've got a client who says on tape I think
6 they're losing 9,000 a day.

7 Now, there's a way you can ameliorate that, but it
8 would have to come in in your case, not theirs.

9 MR. NIEWOEHNER: Relatedly, your Honor, a different
10 topic is in opening, the defense made an issue of the fact
11 that the Illinois legislature had a bill before it in April or
12 May or something like that of 2008, which they didn't act on
13 for four months so there was the suggestion being sort of
14 somehow that that's relevant to what the defendant's doing.

15 And the fact that the Illinois legislature may or may
16 not have signed a bill is irrelevant to what the defendant is
17 trying to do. There's a period of time where it's not in
18 front of the defendant, but that's not in dispute. What
19 matters is once it is before the defendant.

20 So we'd ask to preclude any -- the fact that the bill
21 ran out in the spring of 2008 is -- is not controverted, we're
22 not disputing that, but what the legislature was doing is
23 irrelevant.

24 MR. SOROSKY: If I may respond, the inarticulated
25 premise of the government is that the governor is supposed to

1 sign this bill, and he is doing something wrong for not
2 signing the bill. Suppose the governor felt there was some
3 reason why it may not be the wisest law in the world, or
4 suppose the governor had some questions as to whether the
5 legislation should be enacted. Like many pieces of
6 legislation, there's an up side and a down side.

7 THE COURT: Yeah, absolutely, but it's not going to
8 come in in this part of the case.

9 MR. SOROSKY: No, no --

10 THE COURT: And you're going to have to raise it
11 affirmatively because the truth of the matter is is he cannot
12 defend -- assuming the worst, assuming he's holding Johnston
13 up for 9,000 bucks a day and he's holding him up for these
14 21 days, assuming that's what's happening here, you can't
15 defend on the ground that the legislature did the same thing
16 and held him up for 60 or 70 days. That's what they're
17 arguing about, saying you can't do that, and you can't do
18 that.

19 What you can do is raise issues where there's some
20 evidence that the governor was reluctant to sign the bill
21 because he thought it was too much money to the horsemen and
22 too much money away from the casino and didn't like the bill
23 in the first place.

24 Now, there's a fair amount of evidence in this case
25 that the governor is not reluctant to sign that bill, but that

1 evidence is subject to contradiction. I mean somebody can
2 testify that this was not the case; but until that happens,
3 the time the General Assembly took to do whatever they were
4 going to do or even how they did it or why they did it is out
5 of bounds. We are talking about the period of time when it is
6 in the governor's hands and the governor's hands only. That's
7 all for the government's case.

8 Can you expand the ambit of that? Yeah, probably you
9 can, but not in this case and not with this witness and not
10 with Johnston.

11 Anything else?

12 MR. GOLDSTEIN: Just so I'm clear, your Honor. I
13 understand -- I understand your ruling, but you mentioned that
14 there's another potential way at least in our case.

15 Very simply, the last trial the entire bill was
16 admitted into evidence, including when it was signed, and we
17 understand now that the ruling is that at least in the
18 government's case-in-chief, the issue of when it was signed or
19 that it was signed on December 15th is -- is, you know, out of
20 bounds, cannot be gone into. We understand that.

21 The government before opening gave us an exhibit
22 binder, and that exhibit binder redacted when it was signed,
23 and we understand that; but they gave us an exhibit that
24 included the history of the bill that we anticipated coming
25 into evidence because certainly there's completeness issues.

1 We made an opening statement. They heard the opening
2 statement, and then they provided us and provided a motion to
3 your Honor that now everything should be redacted just on the
4 period in which it was brought to the governor and it was
5 before the governor.

6 So all I'm asking your Honor is if we can't do it,
7 you know, bring it up in cross, I understand that; but if we
8 can submit the bill as the government originally put it in or
9 gave it to us before the second trial in our case-in-chief,
10 that's all I would like to know from your Honor.

11 THE COURT: I want to wait and see what your proposed
12 case-in-chief looks like, and the answer is maybe you can, but
13 I want to see it attached to something. We have had in this
14 case occasions where something is floating around, not
15 actually attached to the charges, the accusations or the
16 defense. It's just something that is put out there for the
17 same reasons that lawyers, even myself would occasionally do
18 when I stood where you stood, which is to just put something
19 out so maybe some juror will think it's important. But you're
20 not supposed to do it, and you're not going to do it here.

21 But all of this can be opened up. You just have to
22 talk to me about the case-in-chief, whatever that
23 case-in-chief might be. And you're really sort of going to
24 have to tell me. And if you want to tell me outside the
25 presence of the government, I'll give you the opportunity to

1 do that in case you want somehow to preserve surprise. I'll
2 make some efforts to permit you to do that, but it's got to be
3 attached to an actual case-in-chief, and I want to see what
4 the case-in-chief looks like before I make any rulings.

5 Anything else?

6 MR. NIEWOEHNER: Not from the government, your Honor.

7 THE COURT: See you tomorrow.

8 (Court adjourned, to reconvene at 10:00 a.m. on 5/18/11.)

9 CERTIFICATE

10 I certify that the foregoing is a correct transcript from
11 the record of proceedings in the above-entitled matter.

12 */s/Kathleen M. Fennell*

13 _____
14 Kathleen M. Fennell
15 Official Court Reporter
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